

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 7 and 13-15 have been canceled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6 and 8-12 are now pending in this application.

#### **Information Disclosure Statement**

Applicant wishes to thank the Office for providing a copy of the PTO/SB/08 form provided with the Information Disclosure Statement filed on May 3, 2006 with the Office Action dated October 16, 2007. However, the Office did not initial the references listed on the PTO/SB/08 form and did not sign and date the PTO/SB/08 form. Applicant previously requested a signed and initialed copy of this PTO/SB/08 form but the Office has not provided such a copy and the Office has not addressed Applicant's request for such a copy. Applicant respectfully requests that the Office provide a signed and initialed copy of the PTO/SB/08 form with the next Office correspondence.

#### **Rejections under 35 U.S.C. § 103**

##### **Claims 1, 9, 10, and 12**

Claims 1, 9, 10, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,472,769 to Goerz, Jr. *et al.* (hereafter "Goerz, Jr.") in view of U.S. Patent No. 7,235,285 to Nomura (hereafter "Nomura"). This rejection is respectfully traversed.

Claim 1 recites a stab-resistant insert for protective textile, said insert comprising at least one metal layer of a woven fabric with metal cords or metal wires; and at least one textile layer; said textile layer being in contact with and being connected to said metal layer by an adhesive; wherein said textile layer comprises a non-woven material. Claims 9, 10, and 12 depend from claim 1.

Applicant notes that a conventional woven fabric with metal cords or wires is unstable because the metal cords or wires can shift relative to one another when a penetrator, such as a knife, penetrates the woven fabric. However, the woven fabric with metal cords or wires can be fixed or bonded to a textile layer, such as by an adhesive or a thermoplastic film, to counteract this shifting. Additionally, discontinuous fibers of a non-woven textile layer can form a type of lateral bridge effect and form a connection between the metal cords or wires. This structure can cause the metal cords or wires to, on one hand, not be easily shifted, but on another hand to not be completely blocked from shifting so that more energy can be absorbed upon impact by a penetrator, such as a knife. Such a controlled and limited shift of the metal cords or wires delays the penetrator and decreases penetration into underlying layers.

Goerz, Jr. discloses a garment that includes a fabric 10 with knitted fibers made of aramid. See Goerz, Jr. at col. 3, lines 44-52. The garment can further include a fine wire mesh 30. See Goerz, Jr. at col. 4, lines 49-52. As noted on page 4 of the Office Action, Goerz, Jr. does not disclose or suggest a textile layer that comprises a non-woven material. Nomura discloses non-woven fabrics for high performance textiles, such as ballistic materials. See Nomura at col. 1, lines 15-23.

It would not have been obvious to combine the teachings of Goerz, Jr. and Nomura to provide a stab-resistant insert with a metal layer and a textile layer comprising a non-woven material, as recited in claim 1, because Goerz, Jr. teaches against the use of a non-woven material. Goerz, Jr. teaches that the knitted construction of fabric 10 provides frictional resistance to the passage of a pointed object through the fabric 10 because the knitted construction resists lateral displacement of individual fibers in response to the application of a pointed object. See Goerz, Jr. at col. 2, lines 10-15. Therefore, one of ordinary skill in the art would not have modified the garment of Goerz, Jr. to provide a non-woven layer because

Goerz, Jr. teaches that a knitted construction is important for resisting the passage of a pointed object through the garment.

Furthermore, a proposed modification cannot render the prior art unsatisfactory for its intended purpose. See M.P.E.P. § 2143.01, Part V. Nor can a proposed modification change the principle of operation of a reference. See M.P.E.P. § 2143.01, Part VI. Goerz, Jr. teaches against the use of a non-woven material, such as that disclosed by Nomura, because Goerz, Jr. teaches that a knitted fabric construction provides resistance to passage of a pointed object through the fabric. Therefore, it would not have been obvious to combine the teachings of Goerz, Jr. and Nomura because such a combination would render the modified fabric unsatisfactory for the intended purpose of puncture resistance, as taught by Goerz, Jr., and would have changed the principle of how the fabric 10 resists penetration of a pointed object, as taught by Goerz, Jr.

The Office argues on page 2 of the Office Action that despite the teachings of Goerz, Jr. that it would still have been obvious for one of ordinary skill in the art to modify the garment of Goerz, Jr. by the teachings of Nomura to provide a non-woven fabric layer. The Office argues on page 2 of the Office Action that Goerz, Jr. discloses the addition of multiple layers, such as supplemental fibers and deflection layers with non-woven materials. Applicant respectfully disagrees because, as noted by the Office on page 4 of the Office Action, Goerz, Jr. fails to disclose or suggest a non-woven textile layer, such as a non-woven textile layer that is contact with and connected to a metal layer, as recited in claim 1. Therefore, Goerz, Jr. does not disclose or suggest that a non-woven textile layer can be used as argued by the Office.

The Office further argues on page 2 of the Office Action that the combination of Goerz, Jr. and Nomura would provide a non-woven fabric as a supplemental layer. With this argument the Office appears to agreeing that Goerz, Jr. teaches against modifying the knitted fabric layer disclosed by Goerz, Jr. and appears to be arguing that a supplemental layer of a non-woven textile can be provided, in addition to the knitted textile layer disclosed by Goerz, Jr. However, such a supplemental layer would not be in contact with and connected to a metal layer, as recited in claim 1, because this supplemental layer would not replace the

knitted layer disclosed by Goerz, Jr. and the combination of Goerz, Jr. and Nomura does not disclose or suggest that such a supplemental layer of non-woven textile would be in contact with and connected to a metal layer.

Additionally, the combination of Goerz, Jr. and Nomura does not disclose or suggest a metal layer and a textile layer that are in contact and connected by an adhesive, as recited in claim 1. The Office notes on page 6 of the Office Action that Goerz, Jr. and Nomura do not disclose or suggest this feature. Thus, the combination of Goerz, Jr. and Nomura fails to disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Therefore, it would not have been obvious to combine the teachings of Goerz, Jr. and Nomura to provide the stab-resistant insert of claim 1. Nor would such a combination provide the advantages of the stab-resistant insert of claim 1.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 2, 6, 7 and 13

Claims 2, 6, 7, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. and Nomura as applied to claim 1, and further in view of U.S. Patent No. 6,581,212 (hereafter “Andresen”). This rejection is respectfully traversed. Andresen discloses that the inner and outer layers of a fabric with a protective layer can be knitted or woven and sewn. See col. 6, lines 7-21, of Andresen. Therefore, Andresen fails to remedy the deficiencies of Goerz, Jr. and Nomura discussed above in regard to independent claim 1, from which claims 2 and 6 depend because Andresen does not disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 3-5 and 14

Claims 3-5 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr., Nomura, and Andresen as applied to claim 1, and further in view of U.S. Patent No. 6,562,435 to Brillhart, III *et al.* (hereafter “Brillhart, III”). This rejection is respectfully

traversed. Brillhart, III fails to remedy the deficiencies of Goerz, Jr., Nomura, and Andresen discussed above in regard to independent claim 1, from which claims 3-5 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 8

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr., Nomura, and Andresen as applied to claim 1, and further in view of U.S. Patent No. 2,758,952 to Toulmin, Jr. (hereafter “Toulmin, Jr.”). This rejection is respectfully traversed. Toulmin, Jr. fails to remedy the deficiencies of Goerz, Jr., Nomura, and Andresen discussed above in regard to independent claim 1, from which claim 8 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 11

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. and Nomura as applied to claim 1, and further in view of U.S. Patent No. 5,724,670 (hereafter “Price”). This rejection is respectfully traversed. Price fails to remedy the deficiencies of Goerz, Jr. and Nomura discussed above in regard to independent claim 1, from which claim 11 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 15

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. and Nomura as applied to claim 1, and further in view of U.S. Patent No. 5,591,933 to Li *et al.* Claim 15 has been canceled. Reconsideration and withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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